IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 140 of 2006 (S/B)

Sanjay Srivastava S/o Sri Harish Chandra,
R/o Quarter No. A-22/2, IRI Colony,
Left Bank of Ganga Canal,
Roorkee, Haridwar. ……. Petitioner

Versus

1. State of Uttaranchal through its Secretary,
   Ministry of Irrigation,
   Civil Secretariat, Dehradun, Uttaranchal.
2. Chief Engineer and Head of the Department,
   Irrigation Department,
   Uttaranchal, Dehradun. ……. Respondents

Mr. Pankaj Miglani, Advocate for the petitioner.
Mr. J.P. Joshi, Addl. Chief Standing Counsel for the respondents.

JUDGMENT

Coram: Hon'ble Rajeev Gupta, C.J.
Hon'ble J.C.S. Rawat, J.

RAJEEV GUPTA, C.J. (Oral)

Mr. Pankaj Miglani, Advocate for the petitioner.

Mr. J.P. Joshi, Addl. Chief Standing Counsel for the respondents.

They are heard.

2. Mr. J.P. Joshi, the learned Addl. Chief Standing Counsel for the respondents has raised a preliminary objection about the maintainability of the writ petition on the ground that the petitioner has an efficacious, alternative remedy of filing a petition before the Public Services Tribunal.

3. The petitioner is seeking following reliefs in the writ petition:

"1. To summon the complete record pertaining to the case.

2. To issue the Writ, Order or Direction in the nature of Mandamus directing the respondent authorities to determine the interse seniority of the Assistant Engineers of the department before making any further promotion, and / or,

3. To issue, any other suitable Writ, Order or Direction as this Hon'ble court may deem fit & proper under the facts & circumstances of the case.

4. To award the cost of the petition to the petitioners."

4. Mr. Pankaj Miglani, the learned counsel for the petitioner could not demonstrate as to how the above-quoted reliefs sought by the petitioner in the writ petition cannot be granted by the Public Services Tribunal.

5. We are, thus, satisfied that the petitioner has an efficacious alternative remedy of filing a petition before the Public Services Tribunal.

6. The writ petition, therefore, is liable to be dismissed and is hereby dismissed.

7. With the above order, CLMA No. 5150 of 2006 also stands dismissed.

(J.C.S. Rawat, J.) **(Rajeev Gupta, C.J.)**
03.08.2006 03.08.2006

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